

David P. Dibble, Esq. #73938  
LAW OFFICES OF DAVID DIBBLE  
123 F. St., Suite D  
Eureka, CA 95501

Telephone: (707) 444-9330  
Facsimile: (866) 912-7460  
email: [diblaw1@gmail.com](mailto:diblaw1@gmail.com)

Attorneys for Plaintiff Andrew Hamer

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## STIPULATION

The parties to this action hereby stipulate that plaintiff be granted leave to file the proposed First Amended Complaint, a copy of which is attached hereto as Exhibit 1.

DATED: April 29, 2013 LAW OFFICES OF DAVID DIBBLE

By:

David P. Dibble, Esq.  
Attorneys for Plaintiff Andrew Hamer

111

1 DATED: MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

2

3 By: \_\_\_\_\_

4 Nancy K. Delaney, Esq.

5 Attorneys for defendants City of Eureka, City of

6 Arcata, Terry Liles, Murl Harpham and Bill Nova

7

8 DATED: ZWERDLING, BRAGG & MAINZER, LLP

9 By: W. R. Bragg

10 William R. Bragg, Esq.

11 Attorneys for defendant County of Humboldt

12 **DECLARATION OF DAVID P. DIBBLE, ESQ. IN SUPPORT OF STIPULATION FOR**  
**LEAVE TO FILE FIRST AMENDED COMPLAINT**

13 I, DAVID P. DIBBLE, declare:

14 That I am an attorney at law admitted to practice before this Court and all courts  
15 of the State of California and have my offices in Eureka, Humboldt County, California, and am  
16 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the  
17 following facts and if called upon to testify could competently testify thereto.

18 Upon the filing of the Complaint in this action, plaintiff was unaware of the  
19 identity of one of the law enforcement personnel that assisted in the restraint and detention of  
20 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the  
21 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1  
22 and the agencies participating in this enforcement action were named as his employer.

23 Since filing the complaint, defendant County of Humboldt has identified that  
24 person as Humboldt County Sheriff Deputy James Mowrey. Accordingly, plaintiff desires to file  
25 a First Amended Complaint naming Deputy Mowrey in place and in stead of defendant John Doe  
26 1. Plaintiff has also agreed to dismiss the City of Arcata upon its representation that none of its  
27 personnel were involved in the restraint and detention of plaintiff. The proposed First Amended  
28 Complaint incorporates these changes.

I declare under penalty of perjury that the foregoing is true and correct.

1 DATED: MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

2

3 By: /s/ Nancy K. Delaney  
4 Nancy K. Delaney, Esq.  
5 Attorneys for defendants City of Eureka, City of  
6 Arcata, Terry Liles, Murl Harpham and Bill Nova

7

8 DATED: ZWERDLING, BRAGG & MAINZER, LLP

9 By: William R. Bragg, Esq.  
10 Attorneys for defendant County of Humboldt

11 **DECLARATION OF DAVID P. DIBBLE, ESQ. IN SUPPORT OF STIPULATION FOR**  
12 **LEAVE TO FILE FIRST AMENDED COMPLAINT**

13 I, DAVID P. DIBBLE, declare:

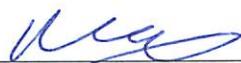
14 That I am an attorney at law admitted to practice before this Court and all courts  
15 of the State of California and have my offices in Eureka, Humboldt County, California, and am  
16 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the  
17 following facts and if called upon to testify could competently testify thereto.

18 Upon the filing of the Complaint in this action, plaintiff was unaware of the  
19 identity of one of the law enforcement personnel that assisted in the restraint and detention of  
20 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the  
21 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1  
22 and the agencies participating in this enforcement action were named as his employer.

23 Since filing the complaint, defendant County of Humboldt has identified that  
24 person as Humboldt County Sheriff Deputy James Mowrey. Accordingly, plaintiff desires to file  
25 a First Amended Complaint naming Deputy Mowrey in place and in stead of defendant John Doe  
26 1. Plaintiff has also agreed to dismiss the City of Arcata upon its representation that none of its  
27 personnel were involved in the restraint and detention of plaintiff. The proposed First Amended  
28 Complaint incorporates these changes.

1 I declare under penalty of perjury that the foregoing is true and correct.  
2

3 Executed this 29<sup>th</sup> day of April, 2013 at Eureka, Humboldt County,  
4 California.

5   
6 David P. Dibble, Esq.

7 **ORDER**  
8

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: April 29, 2013

10   
11 Hon. Jeffrey S. White, Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28